



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

FEB 19 2009

(AE-17J)

CERTIFIED MAIL RETURN
RECEIPT REQUESTED

Charles E. Anderson, EHS Team Member
BASF, The Chemical Company
1609 Biddle Avenue
Wyandotte, Michigan 48192

Re: BASF, The Chemical Company
Administrative Order

Dear Mr. Anderson:

The enclosed Order is issued pursuant to Section 113(a)(3) and 114 (a)(1) of the Clean Air Act (Act), 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1), for BASF, The Chemical Company's (BASF) failure to comply with the National Emissions Standards for Hazardous Air Pollutants for Polyether Polyols Production.

The U.S. Environmental Protection Agency contact in this matter is Constantinos Loukeris. Please contact him at (312) 353-6198 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Bonnie Bush".

Bonnie Bush, Chief
Air Enforcement and Compliance Assurance Section (MI/WI)
Air Enforcement and Compliance Assurance Branch

Enclosure

cc: Wilhemina McLemore
Assistant District Supervisor
Michigan Department of Environmental Quality, Air Quality Division
Cadillac Place, Suite 2-300
3058 West Grand Blvd.
Detroit, Michigan 48202

Tom Hess
Enforcement Unit Chief
Michigan Department of Environmental Quality, Air Quality Division
P.O. Box 30242
Lansing, Michigan 48909

5. At the Wyandotte facility, BASF manufactures amino/phenolic resins and polyether polyols. BASF owns or operates an "emission source" within the meaning of Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1).

6. On July 2, 2008, the Director of the Air and Radiation Division, EPA, Region 5, issued a Section 114 Request to BASF. Exhibit 1 of this Order is a copy of the Section 114 Request.

7. The Section 114 Request requires BASF to conduct Hazardous Air Pollutant (HAP) emission testing on equipment at the Wyandotte facility's polyols process unit, by measuring the inlet and outlet gas phase HAP concentrations of the T-408 water scrubber and gas phase volumetric flow rates in accordance with the Section 114 Request's testing requirements. The Section 114 Request requires BASF to submit to EPA for approval a testing protocol within 30 days after receipt of the Section 114 Request, to submit an intent to test notification for emission testing at least 30 days prior to the planned test date(s), to complete the HAP emission testing within 60 days of receipt of the Section 114 Request, and to submit a complete report of the HAP emission testing within 90 days of receipt of the Section 114 Request.

8. BASF received the Section 114 Request on July 7, 2008.

9. As of this date, BASF has not conducted HAP emission testing in accord with the Section 114 request, nor has it submitted a report of HAP emission testing results.

10. BASF violated the Section 114 Request by failing to conduct the HAP emission testing and submit a complete report of the HAP emission testing.

Compliance Program

11. BASF must comply with all requirements of the Section 114 Request. Specifically, BASF must:

a. Conduct the HAP emission testing required under the Section 114 Request in accordance with the October 2, 2008, testing protocol submitted by BASF. Exhibit 2 of this Order is a copy of the testing protocol.

b. Complete the HAP emission testing required by the Section 114 Request no later than 60 days of receipt of this Order.

c. Submit at least 30 days prior to the planned test date(s) an intent to test notification for the emission testing.

d. Submit a complete report of the HAP emission testing, in accordance with the Section 114 requirements, within 90 days of receipt of this Order.

12. BASF must send all documents required by this Order to:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604.

13. BASF must submit all documents required by this Order under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to section 113(c)(2) of the Act, and 18 U.S.C. §§ 1001 and 1341.

General Provisions

14. This Order does not affect BASF's responsibility to comply with other local, state, and federal laws and regulations.

15. This Order does not restrict EPA's authority to enforce Section 114 of the Act, or any other section of the Act.

16. This Order is an interim enforcement action and is not the final resolution of past violations. This Order does not resolve BASF's liability, including liability for any penalties, for the violations cited here. This Order does not constitute an extension of the due dates contained in the Section 114 Request for the purpose of assessing penalties for violations of the Section 114 Request.

17. Nothing in this Order limits EPA's authority to seek appropriate relief, including penalties under Section 113 of the Act, 42 U.S.C. § 7413, for BASF's violations of the Section 114 Request.

18 Failure to comply with this Order may subject BASF to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 73 Fed. Reg. 75340 (December 11, 2008) (amending 40 C.F.R. Part 19).

19. The terms of this Order are binding on BASF, its assignees and successors. BASF must give notice of this Order to any successors in interest, prior to transferring ownership, and must simultaneously verify to EPA, at the above address, that BASF has given the notice.

20. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic record keeping efforts, please provide your response to this Order without staples. Paper clips, binder clips, and 3-ring binders are acceptable.

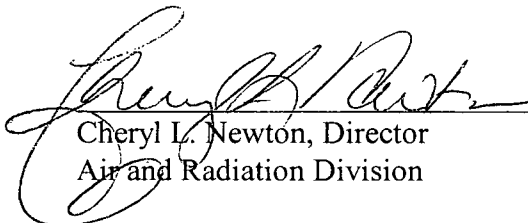
21. EPA may use any information submitted under this Order in an administrative, civil, or criminal action.

22. Section 113(a)(4) of the Act, 42 U.S.C. § 7413(a)(4), states that an Order shall not take effect until the person to whom it is issued has had an opportunity to confer with EPA about the alleged violation. Therefore, EPA is giving BASF an opportunity to confer with EPA concerning this Order. BASF may schedule a conference with EPA by calling Constantinos Loukeris at (312) 886-3198 within five days of BASF's receipt of this Order.

23. This Order is effective 30 days from BASF's receipt of this Order.

2/18/09
Date

Enclosures


Cheryl L. Newton, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Tracy Jamison, certify that I sent the Administrative Order, EPA Order

No. EPA-5-09-113(a)-MI-01, by Certified Mail, Return Receipt Requested, to:

Charles E. Anderson, EHS Team Member
BASF The Chemical Company
1609 Biddle Avenue
Wyandotte, Michigan 48192

I also certify that I sent a copy of the Administrative Order, EPA Order

No. EPA-5-09-113(a)-MI-01, by First Class Mail to:

Wilhemina McLemore
Assistant District Supervisor
Michigan Department of Environmental Quality, Air Quality Division
Cadillac Place, Suite 2-300
3058 West Grand Blvd.
Detroit, Michigan 48202

Tom Hess
Enforcement Unit Chief
Michigan Department of Environmental Quality, Air Quality Division
P.O. Box 30242
Lansing, Michigan 48909

on the 19 day of February 2009.



Tracy Jamison
Administrative Assistant
AECAB(MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 01874375